IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v. NO. 15-CR-4268-JB

ANGEL DELEON, et al.,

Defendant.

REPLY TO MOTION TO COMPEL DISCOVERY AND INSPECTION OF DOCUMENTS AND PHYSICAL EVIDENCE PURSUANT TO RULE 16 (DOC. 1267)

COMES NOW, defendant Christopher Garcia, by and through CJA counsel Amy Sirignano, of the Law Office of Amy Sirignano, PC, and Christopher W. Adams, of the Law Office of Christopher W. Adams, PC, and joining, Carlos Herrera through co-counsel Michael Davis and Carey Bahalla, and Edward Troup through co-counsel Cori Harbor Valdez and Patrick Burke, Alan Patternson through Counsel Jeff Lahan, Christopher Chavez through co-counsel John Granberg and Orlando Mondragon, Joe Gallegos through co-counsel Brock Benjamin and Rick Sindel, Daniel Sanchez through co-counsel Amy Jacks and Richard Jewkes, Rudy Perez through co-counsel Ryan Villa and Justine Fox Young, Billy Garcia through co-counsel James Castle and Robert Cooper, Arturo Arnulfo Garcia through co-counsel Billy Blackburn and Scott Davidson, and Anthony Ray Baca, through co-counsel Theresa Duncan and Marc Lowry, and in reply to their Motion to Compel Discovery and Inspection of Documents and Physical Evidence Pursuant to Rule 16 (Doc. 1267), states as follows:

On September 19, 2017, Mr. Garcia, with many joining defendants, filed their Motion to Compel Discovery and Inspection of Documents and Physical Evidence Pursuant to Rule 16 "Enterprise Discovery Motion" (Doc. 1267). This motion was filed as quickly as possible as it was difficult to getting multiple defendants' positions, including joinders to the motion. Mr. Garcia acknowledges his Rule 16 motion was late following the Court's extended September 15, 2017, deadline. *See* (Doc. 1331).

The government's response was due on October 3, 2017. In lieu of filing a substantive response to Doc. 1267, the government instead chose to include Doc. 1267 in a parenthetical in its response, (Doc. 1278), the United States' Response in Opposition to Defendant Christopher Garcia's Notice of Joinder to Unopposed Motion to Extend Time to File Motions Pursuant to Rule 16 (Doc. 1256), and to Defendant's Opposed Motion to Continue the Defendant's Deadline to File Fed. R. Crim. Proc. 16 Motions on September 29, 2017. (Doc. 1278).

The government states in Doc. 1278, "the United States asks that, in the context of the criminal discovery rules, given the overly-broad, unduly burdensome, and improper discovery requests in Garcia's Rule 16 discovery motions, *see* (Docs. 1267 & 1270), the Court deny this request for an extension." *See Id.*

On October 13, 2017, the joined defendants filed their Reply to Government's Response (Doc. 1278) To Opposed Motion to Continue the Defendant's Deadline to File Fed. R. Crim. Proc. 16 Motions (Doc. 1258). *See* Doc. 1331. Doc. 1331 requests the Court to enter an Order Continuing the September 15, 2017, deadline to file Federal Rule of Criminal Procedure 16 Motions, and also order the government to timely respond to the defendant's substantive Rule 16 motions, Doc. 1267 and 1270, arguing there was no prejudice to the government, and allowing it

to take as much reasonable time as necessary to file substantive responses to Doc. 1267 and Doc. 1270. *Id.*

Mr. Garcia cannot file a substantive reply until the government properly responds to the content of his "Enterprise Discovery Motion" (Doc. 1267).

For the foregoing reasons, Mr. Garcia and joined defendants respectfully renews their request that this Court order the government to immediately produce all requested Rule 16 discovery for the first fourteen (14) paragraphs of the Second Superseding Indictment (Doc. 949), and their request that this Court order the government to timely respond to the joined defendants' substantive Rule 16 motion, Doc. 1267.

Respectfully submitted,

/s

Amy Sirignano, Esq.
Law Office of Amy Sirignano, PC
5901J Wyoming Blvd. NE #250
Albuquerque, NM 87109
(505) 242-2770
(505) 242-2774 facsimile
amy@abqnmlaw.com

Christopher W. Adams
The Law Office of Christopher W. Adams, PC
102 Broad Street, Suite C
Charleston, SC 29401
(843) 577-2153
(877) 883-9114 facsimile
chris@chrisadamslaw.com

Counsel for Christopher Garcia

CERTIFICATE OF SERVICE
I hereby certify that a copy of the foregoing pleading was sent via the Court's CM/ECF system to opposing counsel, AUSAs Maria Armijo, Randy Castellano, and Matthew Beck, this 17th day of October 2017.

/s
Amy Sirignano, Esq.